

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15491 of 2005

Between:

Chinatala Sammaiah ...Petitioner

And

1. The District Collector, Karimnagar District and another.

...Respondents

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.15491 of 2005

ORDER:

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This writ petition is filed by the petitioner aggrieved by the order passed by the second respondent dated 09-07-2005 rejecting the claim of the petitioner for issuance of a caste certificate claiming that he belongs to 'Vada Balija'.

2. According to the petitioner, the second respondent, instead of conducting an enquiry as contemplated under the provisions of the A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (for brevity 'the Act') and Rules made thereunder, referred only to the enquiries alleged to have been conducted by the Additional Director General of Police, C.I.D., and also referred to a communication stated to have been issued by the Collector dated 08-07-2005. Therefore, according to the petitioner, the second respondent instead of conducting enquiry based his conclusions on the enquiry said to have been conducted by some other authorities, who are not the authorities contemplated under the provisions of the Act and Rules made thereunder. Hence, the impugned order is liable to be set aside.

3. At the time of hearing, the learned Government Pleader, however, contended that an appeal is provided under the provisions of the Act to the District Collector, if the competent authority rejects an application filed by the petitioner seeking caste certificate. Therefore, it is appropriate for the petitioner to approach the appellate authority by way of appeal where the appellate authority can appreciate the contentions of the petitioner. The learned Government Pleader also stated that though the second respondent-Mandal Revenue Officer's proceedings shows that there is a letter from the District Collector, it is not correct that the said letter was that of the District Collector, but only of the Joint Collector. Therefore, the District Collector did not look into the matters with reference to the present dispute. Therefore, it is appropriate to the petitioner to approach the District Collector.

4. Heard both sides and considered the material on record.

5. As there is a remedy of appeal under Section 7 (1) of the Act, it is appropriate to the petitioner to file an appeal. Accordingly, the petitioner is directed to file an appeal before the District Collector within four weeks from the date of receipt of a copy of this order and on receipt of such appeal, the District Collector is directed to dispose of the appeal on merits, after giving

opportunity of being heard to the petitioner, expeditiously.

6. Accordingly, the writ petition is disposed of. No order as to costs.

S.ANANDA REDDY, J

26th July, 2005

NOTE:

Furnish C.C. by two days.

B/o.

SKM